

**UNAPPROVED MINUTES**  
**COUNCIL MEETING**  
**October 25, 2010**

A regular meeting of the Council of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, on October 25, 2010, at 7:30 p.m., there being present of said Council, to wit: Byron Randolph Foley, John C. Givens, Jane W. Johnson, William D. Jones, and Lisa D. Garst; with Byron Randolph Foley, Mayor, presiding; together with Kevin S. Boggess, City Manager; James E. Taliaferro, II, Assistant City Manager and Clerk of Council; Frank P. Turk, Director of Finance; Melinda J. Payne, Director of Planning and Economic Development; Charles E. Van Allman, Jr., City Engineer; Mike Stevens, Communications Director; and Stephen M. Yost, City Attorney, and the following business was transacted:

Matthew Burton from Boy Scout Troop 51 was present at this meeting of Council.

The October 11, 2010, work session and regular meeting minutes and the minutes of the October 12, 2010, joint work session with the Salem School Board were approved as written.

The report by the City Manager of the City's activities for September 2010, was received and ordered filed.

The report of the Director of Finance of the City's financial status for the month of August, 2010, was received and ordered filed.

Mayor Foley requested that the induction ceremony for newly elected members and representatives of the Mayor's Youth Council be moved to the end of the meeting; and

Mayor Foley reported that this date and time had been set to hold a public hearing regarding authorizing \$29,990,000 in General Obligation bonds used under the Public Finance Act; and

WHEREAS, Mr. Turk reported that there is no need for an actual ordinance and added that adoption of the resolution would authorize the bond issue; as the VML group will be doing the financing under the Commonwealth of Virginia Public Finance Act as opposed to each individual locality acting independently. The biggest piece of this issuance is similar to refinancing a mortgage loan when interest rates fall. The 1999 bond issue, the 2003 bond

<p>ITEMS 2&amp;3 PUBLIC HEARING REGARDING AUTHORIZING \$29,990,000 IN GENERAL OBLIGATION BONDS ISSUED UNDER PUBLIC FINANCE ACT</p>
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issue (parts A and B) will be included and would allow the City to save as much as \$100,000 a year for a number of years. Also included in this issuance is \$6.5 million in new money for three projects: Civic Center equipment replacement, the addition to the public safety building, and upgrading the computer aided dispatch records system, which can no longer receive technical support; and

WHEREAS, Councilwoman Johnson stated that the judge's chambers addition to the public safety building would be paid over time; and

WHEREAS, Mr. Turk responded affirmatively stating that it would be reimbursed to the City by the General Services Administration over a period of fifteen years; and

WHEREAS, Mayor Foley stated that roughly about five million dollars of the issuance is new obligations that will not be reimbursed; and

WHEREAS, Mr. Boggess stated that the energy savings as a result of the Civic Center project will generate savings that will offset some of that debt and actually will be better than that in terms of revenue coming in to pay off some this debt service; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COUNCILMAN JONES, SECONDED BY VICE-MAYOR GIVENS, AND DULY CARRIED, Resolution 1171 authorizing \$29,990,000 in General Obligation bonds was hereby approved:

(HERE SET OUT RESOLUTION 1171)

– the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

ITEM 4  
CONTRACT  
AWARDED TO  
B & L WATER  
SPECIALISTS IN THE  
AMOUNT OF  
\$62,366 TO REPAIR  
WELL AT WATER  
TREATMENT  
PLANT

Mayor Foley requested that Council consider awarding contract to repair the well at the Water Treatment Plant; and

WHEREAS, Vice Mayor Givens, Chairman of Council's Audit-Finance Committee, reported that last summer Well #2 failed and was unable to deliver water to the Water Treatment Plant; it was determined the pump at the bottom of the shaft and some of the pipe needed to be replaced; with this in mind, a Request for Proposals was issued; five bids were received and reviewed by City Staff; after reviewing the bids, the Committee recommends acceptance of the

low-bid from B & L Water Specialists in the amount of \$62,366.00; sufficient funds exist in the Water Production-Maintenance Buildings Account to meet this expense;

WHEREAS, Councilwoman Garst stated that the water the City uses comes from the river; she asked if water from the wells is used as a backup; and

WHEREAS, Mr. Taylor responded that it is a backup system that is exercised on a daily basis especially when a heavy rainfall occurs and the river becomes muddy or if the river becomes contaminated the intake is shut down and the well is out into operation; this well is one of the larger wells that is used for the production facility; and

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILWOMAN GARST, AND DULY CARRIED, a contract with B & L Water Specialists in the amount of \$62,366.00 to repair Well #2 at the Water Treatment Plant was hereby approved with the monies to come from the Water Production-Maintenance Buildings Account – the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

Mayor Foley requested that Council consider the reacquisition of a 2.2-acre parcel located on Texas Street (Tax Map #149-1-4) in accordance with the purchase contract; and

WHEREAS, Vice Mayor Givens, Chairman of Council's Audit-Finance Committee, reported that in accordance with the purchase contract between the City of Salem and Patrick C. Wilkinson, the 2.2 acres located on Texas Street (Tax Map #149-1-4) may be re-purchased on or before December 31, 2010; it is the recommendation of City Staff and the Committee to exercise that option; with mutual agreement between Mr. Wilkinson and the City of Salem, the repurchase price will be \$272,000.00;

ITEM 5  
APPROVED TO  
EXERCISE  
REPURCHASE  
OPTION ON A 2.2-  
ACRE PARCEL  
LOCATED ON  
TEXAS STREET (TAX  
MAP #149-1-4) IN  
THE AMOUNT OF  
\$272,000

WHEREAS, Mr. Boggess stated that this is a piece of property purchased by Mr. Wilkinson with conditions placed on it by the City in terms of development; it required a certain size building and a certain type of brick construction and on prior occasion, Mr. Wilkinson requested and was granted an extension and amendment to those conditions; however, as the economy continued to worsen it became clear to Mr. Wilkinson that he would not be able to meet the condition requiring a foundation to be laid on the property by the end of December 2010; Mr. Wilkinson has asked the City to exercise its option to

repurchase and upon review the City has determined the only way to preserve the protection of said property would be to repurchase it; and

WHEREAS, Vice-Mayor Givens stated that this property is part of the Elizabeth Campus commercial property, east of One Beacon; and

WHEREAS, Councilman Jones stated that there was a promise made by a Council prior, that development on the Elizabeth Campus would be controlled and this Council will continue to hold true to that promise; and

WHEREAS, Mayor Foley stated that it is in the best interests of the City of Salem to remain true to plans of that property; and

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILWOMAN JOHNSON, AND DULY CARRIED, the right to exercise the repurchase option of a 2.2-acre parcel on Texas Street (Tax Map #149-1-4) in the amount of \$272,000 was hereby approved and proper City officials are authorized to execute the contract – the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

ITEM 6  
RESOLUTION 1172  
APPROVED  
DECLARING  
"SPICE" AND  
SYNTHETIC  
CANNABINOIDS  
ILLEGAL IN THE  
COMMON-  
WEALTH OF  
VIRGINIA

Mayor Foley requested that Council consider adopting Resolution 1172 declaring "spice" and synthetic cannabinoids illegal in the Commonwealth of Virginia;

WHEREAS, Mr. Boggess explained that Roanoke County requested support for this push to have the state legislature define artificial cannabinoids as illegal substances in the State of Virginia; by adopting this resolution we would forward it on to our state legislators and ask them to consider in the next session adding this to the list of controlled substances in the State of Virginia; and

WHEREAS, Vice-Mayor Givens stated that this is a synthetic marijuana that has become popular on the street and that it is very appropriate to join Roanoke County and make our voices heard; and

WHEREAS, Mayor Foley stated that it is currently not illegal; and

WHEREAS, Councilwoman Johnson stated that it has caused several deaths; and

ON MOTION MADE BY VICE-MAYOR GIVENS, SECONDED BY COUNCILMAN JONES, AND DULY CARRIED, Resolution 1172 declaring “spice” and synthetic cannabinoids illegal in the Commonwealth of Virginia was hereby adopted:

(HERE SET OUT RESOLUTION 1172)

– the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

Mayor Foley requested that Council consider setting a date for a public hearing in accordance with Section 22.1-29.1 of the Code of Virginia, 1950 as amended, regarding the expiration of terms for two members of the Salem School Board;

ON MOTION MADE BY COUNCILWOMAN JOHNSON, SECONDED BY COUNCILWOMAN GARST, AND DULY CARRIED, November 8, 2010, was hereby set as the date for a public hearing in accordance with Section 22.1-29.1 of The Code of Virginia 1950 as amended, regarding the expiration of terms for two members of the Salem School Board -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

WHEREAS, Mr. Boggess stated that the School Board interviews are scheduled for November 10, 2010, beginning at 4:30 p.m. in the City Manager’s conference room and as we begin to receive applications, the interested parties will be asked to come to the public hearing and make a statement and then will be invited to come to a twenty-minute interview with City Council on November 10, 2010, beginning at 4:30 p.m.; and

WHEREAS, Vice-Mayor Givens asked if it would be made known in the advertisement that the applicants need appear at the public hearing; and

WHEREAS, Mr. Boggess responded affirmatively, that applicants would be requested to submit a letter of interest prior to the public hearing, but it is not required that they appear at the public hearing; and

Mayor Foley requested that Council consider appointments to fill vacancies on various boards and commissions;

ITEM 7  
NOVEMBER 8,  
2010, SET AS  
PUBLIC HEARING  
IN ACCORDANCE  
WITH SECTION  
22.1-29.1 OF THE  
CODE OF VIRGINIA,  
1950, AS  
AMENDED,  
REGARDING THE  
EXPIRATION OF  
TERMS OF TWO  
MEMBERS OF THE  
SALEM SCHOOL  
BOARD

ITEM 8  
BRUCE N.  
THOMASSON  
REAPPOINTED TO  
BLUE RIDGE  
BEHAVIORAL  
HEALTHCARE  
BOARD OF  
DIRECTORS; DANA  
BARNES LEE  
REAPPOINTED AS  
AT-LARGE  
REPRESENTATIVE  
ON BLUE RIDGE  
BEHAVIORAL  
HEALTHCARE  
BOARD OF  
DIRECTORS

ON MOTION MADE BY VICE-MAYOR GIVENS , SECONDED BY COUNCILWOMAN JOHNSON, AND DULY CARRIED, Bruce N. Thomasson was hereby reappointed to the Blue Ridge Behavioral Healthcare Board of Directors for a three-year term, said term will expire December 31, 2013; and the reappointment of Dana Barnes Lee for a three-year term was hereby ratified as an at-large representative on the Blue Ridge Behavioral Healthcare Board of Directors, said term will expire December 31, 2010 -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

WHEREAS, Councilwoman Garst thanked Mr. Thomasson and Ms. Lee for their service on this board; and

Mayor Foley requested that the induction ceremony for newly elected members and representatives of the Mayor’s Youth Council be held; and

WHEREAS, the City Attorney administered the oath of office for service on the Mayor’s Youth Council to Sarah Peters, Jordan Jeffries, Shivani Patel, and Browyne Foley; and

WHEREAS, the City Attorney administered the oath of office for the Vice-Mayor of the Mayor’s Youth Council to Shivani Patel; and

WHEREAS, the City Attorney administered the oath of office for the Mayor of the Mayor’s Youth Council to Browyne Foley;

THEREUPON, induction ceremony for newly elected members and representatives of the Mayor’s Youth Council was held; and

WHEREAS, Mayor Foley congratulated the Youth Council and explained the Youth Council is involved in activities around town to give them exposure to local government so they have a better understanding and perhaps become better citizens and are also good labor to get involved in community activities.

There being no further business to come before the Council, the same on motion adjourned at 7:56 p.m.

ITEM 1  
INDUCTION OF  
THE MAYOR'S  
YOUTH COUNCIL